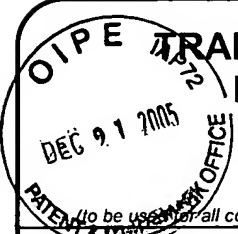

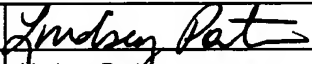


JFW

|   |                        |                  |
|---|------------------------|------------------|
|  | Application Number     | 10/760,999       |
|   | Filing Date            | January 20, 2004 |
|   | First Named Inventor   | Mark Harbaugh    |
|   | Art Unit               | 3731             |
|   | Examiner Name          | Erezo, Darwin P. |
| Total Number of Pages in This Submission  | Attorney Docket Number | 50642/287728     |

| ENCLOSURES (check all that apply)  |   |   |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Supplemental Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) ____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Certificate of Mailing<br>Form PTO/SB/08/a (two sheets)<br>15 Publications |
| <div style="border: 1px solid black; padding: 5px;">Remarks</div>  |   |   |
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT   |   |   |
| Firm   | Kilpatrick Stockton, LLP  |   |
| Signature  |   |   |
| Printed Name   | Michael A. Bertelson  |   |
| Date   | December 12, 2005   | Reg. No. 54,713   |

| CERTIFICATE OF TRANSMISSION/MAILING   |   |      |          |
|---|---|------|----------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. |   |      |          |
| Signature   |  |      |          |
| Typed or printed name   | Lindsey Porter  | Date | 12-12-05 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Harbaugh, et al.

SERIAL NO.: 10/760,999

Group Art Unit: 3731

FILED: January 20, 2004

Examiner: Erez,  
Darwin P.

FOR: SYSTEMS AND METHODS FOR PERFORMING  
MINIMALLY INVASIVE INCISIONS

Attorney Docket No.: 50642/287728

Date: December 12, 2005

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

---

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

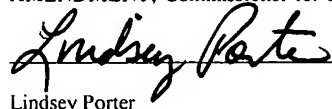
In accordance with Rules 56, 97 and 98 of the Rules of Practice in Patent Cases (37 C.F.R. §§ 1.56, 1.97, and 1.98), the publications listed on the enclosed Form PTO/SB/08a are cited for consideration by the Examiner. Copies of the cited non-U.S. publications and other materials are enclosed.

Submission of the references provided in this Supplemental Information Disclosure is not intended to constitute an admission that any reference referred to herein is prior art for this invention unless specially designated as such. Also, in accordance

---

**Certificate of Mailing**

I hereby certify that this Supplemental Information Disclosure Statement and all documents referred to therein are being deposited with the United States Postal Service as certified first class mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, Alexandria, VA 22313-1450 on December 12, 2005.



Lindsey Porter



with 37 C.F.R. § 1.97(g), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(a) exists.

This Supplemental Information Disclosure Statement is being filed pursuant to 37 C.F.R. 1.97(b), before the mailing date of an office action on the merits. Applicants believe that no fee is due for consideration of this paper. However, if a fee is due, the Commissioner is authorized to charge any fee due to Deposit Account No. 11-0855.

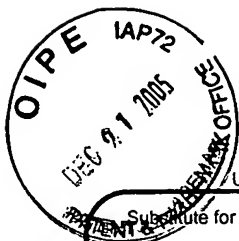
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Bertelson", written over a horizontal line.

Michael A. Bertelson  
Registration No. 54,713

KILPATRICK STOCKTON LLP  
Suite 2800, 1100 Peachtree Street  
Atlanta, Georgia 30309-4530  
Phone (404) 815-6500





PTO/SB/08a (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 2

**Complete if Known**

|                        |                  |
|------------------------|------------------|
| Application Number     | 10/760,999       |
| Filing Date            | January 20, 2004 |
| First Named Inventor   | Mark Harbaugh    |
| Art Unit               | 3731             |
| Examiner Name          | Erezo, Darwin P. |
| Attorney Docket Number | 50642/287728     |

**U.S. PATENT DOCUMENTS**

| Examiner<br>Initials * | Cite<br>No. <sup>1</sup> | Document Number                            | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of<br>Cited Document | Pages, Columns, Lines, Where Relevant<br>Passages or Relevant<br>Figures Appear |
|------------------------|--------------------------|--|--------------------------------|--|---|
|                        |                          | Number - Kind Code <sup>2</sup> (if known) |                                |  |   |
|                        |                          | US-4,565,192                               | 01/21/1986                     | Shapiro  |   |
|                        |                          | US-4,574,794                               | 03/11/1986                     | Cooke, et al.                                      |   |
|                        |                          | US-4,703,751                               | 11/03/1987                     | Pohl   |   |
|                        |                          | US-4,938,762                               | 07/03/1990                     | Wehri  |   |
|                        |                          | US-5,049,149                               | 09/17/1991                     | Schmidt  |   |
|                        |                          | US-5,364,401                               | 11/15/1994                     | Ferrante, et al.                                   |   |
|                        |                          | US-5,445,642                               | 08/29/1995                     | McNulty, et al.                                    |   |
|                        |                          | US-5,683,397                               | 11/04/1997                     | Vendrey, et al.                                    |   |
|                        |                          | US-5,688,279                               | 11/18/1997                     | McNulty, et al.                                    |   |
|                        |                          | US-5,693,056                               | 12/02/1997                     | Carls, et al.                                      |   |
|                        |                          | US-5,704,941                               | 01/06/1998                     | Jacober, et al.                                    |   |
|                        |                          | US-5,797,924                               | 08/25/1998                     | Schulte, et al.                                    |   |
|                        |                          | US-5,897,559                               | 04/27/1999                     | Masinie  |   |
|                        |                          | US-6,073,044                               | 06/06/2000                     | Fitzpatrick, et al.                                |   |
|                        |                          | US-6,554,837 B1                            | 04/29/2003                     | Hauri, et al.                                      |   |
|                        |                          | US-6,827,723                               | 12/07/2004                     | Carson   |   |
|                        |                          | US-2001/0036245 A1                         | 11/01/2001                     | Kienzle, III, et al.                               |   |
|                        |                          | US-2003/0225329 A1                         | 12/04/2003                     | Rossner, et al.                                    |   |
|                        |                          | US-2005/0021037                            | 01/27/2005                     | McCombs et al.                                     |   |
|                        |                          | US-2005/0113658 A1                         | 05/26/2005                     | Jacobson, et al.                                   |   |
|                        |                          | US-2005/0113846 A1                         | 05/26/2005                     | Carson   |   |
|                        |                          | US-2005/0113659 A1                         | 05/26/2005                     | Pothier  |   |
|                        |                          | US-2005/0109855 A1                         | 05/26/2005                     | McCombs  |   |
|                        |                          | US-2005/0119639 A1                         | 06/02/2005                     | McCombs  |   |
|                        |                          | US-2005/0124988 A1                         | 06/09/2005                     | Terrill-Grisoni et al.                             |   |
|                        |                          | US-2005/0149041 A1                         | 07/07/2005                     | McGinley   |   |
|                        |                          | US-2005/0159759 A1                         | 07/21/2005                     | Harbaugh et al.                                    |   |
|                        |                          | US-2005/0197569 A1                         | 09/08/2005                     | McCombs  |   |
|                        |                          | US-2005/0228266                            | 10/13/2005                     | McCombs  |   |
|                        |                          | US-2005/0228404                            | 10/13/2005                     | Vandeveld  |   |
|                        |                          | US-2005/0234332                            | 10/20/2005                     | Murphy   |   |
|                        |                          | US-2005/0234465                            | 10/20/2005                     | McCombs  |   |
|                        |                          | US-2005/0234466                            | 10/20/2005                     | Stallings  |   |
|                        |                          | US-2005/0234468                            | 10/20/2005                     | Carson   |   |
|                        |                          | US-2005/0245808                            | 11/03/2005                     | Carson   |   |

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

|                        |                  |
|------------------------|------------------|
| Application Number     | 10/760,999       |
| Filing Date            | January 20, 2004 |
| First Named Inventor   | Mark Harbaugh    |
| Art Unit               | 3731             |
| Examiner Name          | Erezo, Darwin P. |
| Attorney Docket Number | 50642/287728     |

Sheet

of

**FOREIGN PATENT DOCUMENTS**

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Foreign Patent Document   | Publication<br>Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited<br>Document | Pages, Columns, Lines,<br>Where Relevant<br>Passages or Relevant<br>Figures Appear | T <sup>6</sup> |
|-----------------------|--------------------------|---|-----------------------------------|---|--|----------------|
|                       |                          | Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known) |                                   |   |  |                |
|                       |                          | WO 97/29683   | 08/21/1997                        | Biosense, Inc.  |  |                |
|                       |                          | WO 02/24096 A1  | 03/28/2002                        | Medtronic, Inc.                                       |  |                |
|                       |                          | WO 03/068090 A1   | 08/21/2003                        | Smith & Nephew,<br>Inc.                               |  |                |
|                       |                          | WO 2004/001569 A2   | 12/31/2003                        | Cedara Software<br>Corp.                              |  |                |
|                       |                          | WO 2004/017842 A2   | 03/04/2004                        | Orthosoft, Inc.                                       |  |                |
|                       |                          | WO05/048851 A1  | 06/02/2005                        | Smith & Nephew,<br>Inc.                               |  |                |
|                       |                          | WO05/053559 A1  | 06/16/2005                        | Smith & Nephew,<br>Inc.                               |  |                |
|                       |                          | WO05/070312 A1  | 08/04/2005                        | Smith & Nephew,<br>Inc.                               |  |                |
|                       |                          | WO 2005/070319 A1   | 08/04/2005                        | Smith & Nephew,<br>Inc.                               |  |                |
|                       |                          | WO 2005/072629 A1   | 08/11/2005                        | Smith & Nephew,<br>Inc.                               |  |                |
|                       |                          | WO 2005/096982  | 10/20/2005                        | Smith & Nephew,<br>Inc.                               |  |                |
|                       |                          | EP 0 380 451 A2   | 08/01/1990                        | G. Cremascoli   |  |                |
|                       |                          | EP 0 415 837 A2   | 03/06/1991                        | Commissariat A.<br>L'Energie                          |  |                |
|                       |                          | DE 201 03 416 U1  | 07/05/2001                        | BrainLAB  |  |                |
|                       |                          | DE 100 45 381 A1  | 04/11/2002                        | Aesculap AG   |  |                |

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.